

EXHIBIT 28

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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF MASSACHUSETTS

5 No. 04-CV-11948-RGS

6 SEYED MOHSEN HOSSEINI-SEDEHY,

7 Plaintiff

8 vs.

9 ERIN T. WITHINGTON and the CITY

10 OF BOSTON,

11 Defendants

12
13 DEPOSITION OF ERIN T. WITHINGTON

14 Thursday, March 31, 2005

15 10:00 a.m. - 4:32 p.m.

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24 Reporter: Cynthia C. Henderson/RPR

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<p style="text-align: right;">134</p> <p>1 to arrest Mr. Hosseini?</p> <p>2 MS. AMBARIK: Objection. You can</p> <p>3 answer. Go ahead.</p> <p>4 A. Yes.</p> <p>5 Q. So it would be fair to say that you would</p> <p>6 ignore any past criminal activities that Bavis</p> <p>7 engaged in when deciding whether or not to seek an</p> <p>8 arrest warrant for Mr. Hosseini based on the</p> <p>9 allegations that Bavis had made against him?</p> <p>10 MS. AMBARIK: Objection. You can</p> <p>11 answer.</p> <p>12 A. Yes.</p> <p>13 (Record of Grievance marked</p> <p>14 Exhibit No. 16 for</p> <p>15 identification.)</p> <p>16 Q. What does Exhibit 16 appear to be?</p> <p>17 A. A record of grievance.</p> <p>18 Q. And who does it appear to be filed by?</p> <p>19 A. Joseph Perry.</p> <p>20 Q. What's this grievance apparently about?</p> <p>21 A. It appears that he was sent home on March</p> <p>22 22, 2004 by Mohsen, which is Mr. Hosseini, for no</p> <p>23 reason and then Steve -- I don't know who Steve is</p> <p>24 -- said he can't work there anymore because he has a</p>	<p style="text-align: right;">136</p> <p>1 asked Mr. Bavis about it, certainly, but they</p> <p>2 weren't aware we were coming on March 22nd, I wasn't</p> <p>3 aware we were going on March 22nd, so I don't know</p> <p>4 that I would have had anything to do with it. Mr.</p> <p>5 Perry is not my complaining victim.</p> <p>6 Q. But you had spoken with Mr. Perry; correct?</p> <p>7 A. Yes.</p> <p>8 Q. And Mr. Perry had called you a number of</p> <p>9 times; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And Mr. Perry was complaining that</p> <p>12 Mr. Hosseini was doing things or saying things at</p> <p>13 his workplace with GES; correct?</p> <p>14 A. Not on the phone. That's the allegation</p> <p>15 that he made in person. When he called it was</p> <p>16 usually to ask about Mr. Bavis's case.</p> <p>17 Q. Were you aware that Joseph Perry made an</p> <p>18 allegation that Mr. Hosseini had inappropriately</p> <p>19 touched him, Joseph Perry, at the Hynes Auditorium</p> <p>20 on December 7th, 2003?</p> <p>21 A. No. That he made a formal allegation?</p> <p>22 Q. Any allegation at any time.</p> <p>23 A. As I mentioned, he said that</p> <p>24 Mr. Hosseini had touched him and kissed him on the</p>
<p style="text-align: right;">135</p> <p>1 case against Mr. Hosseini, and there are ten members</p> <p>2 as of this date and that many of them are still</p> <p>3 working.</p> <p>4 Q. Were you aware of the information contained</p> <p>5 in Exhibit 16 at any time prior to this date?</p> <p>6 A. No.</p> <p>7 Q. And were you aware that Mr. Perry, Joseph</p> <p>8 Perry, the gentleman that came to speak with you on</p> <p>9 December 22nd, 2003, was not working for GES after</p> <p>10 December 8th, 2003 until he showed up at work on the</p> <p>11 morning that you executed the arrest warrant for Mr.</p> <p>12 Hosseini, March 22, 2004?</p> <p>13 A. No.</p> <p>14 Q. If you had been aware of that fact that</p> <p>15 Joseph Perry did not work for GES or with Mr.</p> <p>16 Hosseini from December 8th, 2003 until the morning</p> <p>17 of March 22, 2004, would that have been significant</p> <p>18 in the course of your investigation if you knew that</p> <p>19 fact while you were investigating Bavis's</p> <p>20 allegations?</p> <p>21 MS. AMBARIK: Objection. You can</p> <p>22 answer.</p> <p>23 A. Well, Mr. Perry wasn't really part of Mr.</p> <p>24 Bavis's case and they didn't -- I mean, I would have</p>	<p style="text-align: right;">137</p> <p>1 cheek at the time that I met him, and I asked him if</p> <p>2 he wanted to make a report about that and be a</p> <p>3 victim as well and he said no.</p> <p>4 Q. Did he tell you that two Teamsters, John</p> <p>5 Corker and Delila Murphy, had reported to GES that</p> <p>6 Joseph Perry's allegation of inappropriate touching</p> <p>7 by Mr. Hosseini was false?</p> <p>8 A. No.</p> <p>9 Q. Did Joseph Perry or Joseph Bavis</p> <p>10 tell you that GES in fact conducted an investigation</p> <p>11 into allegations made by Joseph Perry against Mr.</p> <p>12 Hosseini?</p> <p>13 A. No.</p> <p>14 Q. And found those allegations to be false?</p> <p>15 A. No.</p> <p>16 Q. On the morning of March 22nd, 2004 did you</p> <p>17 receive a telephone call from somebody regarding</p> <p>18 this investigation concerning Bavis's allegations?</p> <p>19 A. I received a call from Bavis.</p> <p>20 Q. And what did he say?</p> <p>21 A. That he was at work and that it had just</p> <p>22 happened again, that Mr. Hosseini was touching him</p> <p>23 again, and I asked him where</p> <p>24 Mr. Hosseini was. He stated that Mr. Hosseini was</p>

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<p>138</p> <p>1 working that day at the Hynes Conference Center, 2 that he was also working there, and I wasn't doing 3 anything about it, and that this is stuff that has 4 been ongoing, that he has told me that it has been 5 happening and it's still happening, and he wanted to 6 know what I was going to do about it. 7 Q. Were you aware that Joseph Perry, the 8 gentleman that came with Joseph Bavis on December 22 9 and told you Mr. Hosseini was sexually assaulting 10 both of them, were you aware that that same Joseph 11 Perry tried to come back to work at the Hynes 12 Auditorium on that morning on March 22, 2004 and was 13 turned away by Mr. Hosseini's supervisor, Stephen 14 Casterlini, and refused Mr. Joseph Perry an 15 opportunity to work on that day just before Mr. 16 Bavis called you? 17 A. Was I aware of that? No. 18 Q. Had that occurred on the morning of March 19 22, 2004 just before Mr. Bavis had called you and 20 complained again about Mr. Hosseini, would that have 21 affected your investigation into Bavis's 22 allegations? 23 MS. AMBARIK: Objection. You can 24 answer.</p>	<p>140</p> <p>1 A. Yes. 2 Q. How so? 3 A. Again, I would have had to speak to Mr. 4 Bavis about his time line as far as his allegations 5 go or the, all the reports of grievances and the 6 management problems. 7 Q. Okay. But not only the time line of the 8 investigation; you would also be concerned that 9 Bavis was outright lying to you. Right? 10 MS. AMBARIK: Objection. You can answer 11 the question. 12 A. Yes. 13 Q. In fact, Bavis and Perry had been calling 14 your office from December 22nd right up to the time 15 you got back from sick leave, March 7th or 8th, 16 complaining about an ongoing problem; correct? 17 A. Yes. 18 Q. And if you had known that neither Perry or 19 Bavis had worked for GES between December 22nd of 20 2003 and February 23rd, 2004 you would have 21 concluded that Bavis was an unreliable complaining 22 witness; correct? 23 MS. AMBARIK: Objection. You can 24 answer.</p>
<p>139</p> <p>1 A. If I had known that that occurred? 2 Q. Yes. 3 A. Yes. 4 Q. How so? 5 A. I may have asked Mr. Bavis to come into my 6 office to explain to me what had happened and to go 7 down to speak to the two of them separately as to 8 what had taken place. 9 Q. Would you also want to talk with any other 10 people who had witnessed the relationship between 11 Mr. Hosseini and Mr. Bavis? 12 A. Yes. 13 Q. Why would you want to do that? 14 A. To see if they could either dispute or 15 prove or disprove what Mr. Bavis was saying, that it 16 had occurred that morning. 17 Q. And if you found out during the course of 18 that hypothetical investigation that 19 Mr. Bavis had not worked for GES the entire year, 20 calender year of 2003, and had not returned to work 21 for GES until Monday, February 23rd, 2004, would 22 that have affected your investigation? 23 MS. AMBARIK: Objection. You can 24 answer.</p>	<p>141</p> <p>1 A. Yes. 2 Q. Did you know that GES did not do any work 3 in the Boston area in January of 2004? 4 A. No. 5 Q. So that not only were Bavis and Perry not 6 working, but nobody was working in the Boston area 7 from GES, including Mr. Hosseini. Did you know that? 8 A. I couldn't get anyone at GES to talk to me, 9 so I didn't know anything about GES. 10 Q. After you spoke with Bavis and Perry 11 together on December the 22nd, was it significant in 12 the course of your investigation that Bavis wanted 13 Perry to sit in on his interview with you? Was that 14 significant? 15 A. No. 16 Q. And why wasn't it significant? 17 A. Again, he had stated that he wanted Mr. 18 Perry to sit in because he was embarrassed that he 19 was at the Sexual Assault Unit and that -- most 20 victims are women, so he was embarrassed, and he had 21 asked if his friend could stay. Since it wasn't a 22 fresh complaint and he wasn't making an allegation 23 as a victim himself, I thought that that would be 24 fine.</p>